

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

KAREEM LANDELL LOGAN,)	
)	
Petitioner,)	
)	
vs.)	No. 00-CV-668-JHP-SAJ
)	
RANDALL WORKMAN, Warden,)	
)	
Respondent.)	

ORDER

On August 11, 2005, Petitioner, a state inmate represented by counsel, filed his notice of appeal (Dkt. # 42). Petitioner indicates he appeals from this Court's Order, entered July 13, 2005 (Dkt. # 40), denying his petition for writ of habeas corpus. The Court entered Judgment in favor of Respondent on July 13, 2005 (Dkt. # 41). On August 15, 2005, Petitioner paid in full the appellate filing fee. See Dkt. # 46.

Pursuant to 28 U.S.C. § 2253, as amended by § 102 of the Antiterrorism and Effective Death Penalty Act of 1996, a petitioner is required to obtain a certificate of appealability before appealing a final order in a habeas corpus proceeding under 28 U.S.C. § 2254. Section 2253(c) instructs that the court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right," and the court "indicates which specific issue or issues satisfy [that] showing." A petitioner can satisfy that standard by demonstrating that the issues raised are debatable among jurists, that a court could resolve the issues differently, or that the questions deserve further proceedings. Slack v. McDaniel, 529 U.S. 473, 120 S.Ct. 1595, 146 L.Ed.2d 542 (2000) (citing Barefoot v. Estelle, 463 U.S. 880, 893 (1983)). In light of the record in this case, the Court concludes that a certificate of appealability should not issue as petitioner's eligibility for habeas relief would not be debatable by reasonable jurists. Nothing suggests that the

Tenth Circuit would find that this Court's application of the deference to the decision by the Oklahoma court required by the AEDPA was debatable amongst jurists of reason. See Dockins v. Hines, 374 F.3d 935 (10th Cir. 2004). A certificate of appealability shall be denied.

ACCORDINGLY, IT IS HEREBY ORDERED that a certificate of appealability is **denied**. The Clerk is directed to send a copy of this Order to the Tenth Circuit Court of Appeals.

SO ORDERED THIS 17th day of August 2005.


James H. Payne
United States District Judge
Northern District of Oklahoma